

# Record of Decision

final environmental impact statement  
general management plan  
development concept plan

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## CAPITOL REEF NATIONAL PARK – UTAH



*The beautiful and diverse geologic wonders of an ever-changing earth are showcased in the Waterpocket Fold and Cathedral Valley of Capitol Reef National Park. The solitude experienced here gives one a feeling of exploration and discovery that is difficult to find in a modern world. This sensation is accentuated when you see how the rugged landscape shaped the lives of ancient native cultures and later pioneers that left their marks in this wild land. The park is both a laboratory of scientific curiosity and a place to recharge the human spirit that will preserve these values for future generations.*

**U. S. DEPARTMENT OF THE INTERIOR - NATIONAL PARK SERVICE**

**RECORD OF DECISION**

**FINAL ENVIRONMENTAL IMPACT STATEMENT AND  
GENERAL MANAGEMENT PLAN / DEVELOPMENT CONCEPT PLAN**

**FOR**

**CAPITOL REEF NATIONAL PARK  
WAYNE COUNTY, UTAH**

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (Public Law 91-190) and the regulations promulgated by the Council of Environmental Quality (40 CFR *Parts 1500-1508*), the Department of the Interior, National Park Service (NPS) has prepared the following Record of Decision on the Final Environmental Impact Statement (EIS) for the General Management Plan / Development Concept Plans (GMP/DCP) for Capitol Reef National Park, Utah. This 240,000-acre unit of the National Park System is located in southern Utah. This environmental document addresses the issues, developments, and trends affecting the Park. The GMP/DCP comprises a programmatic plan to guide Park managers over the next 10 to 15 years.

This Record of Decision is a concise statement of what decisions were made as a result of the environmental analysis. It contains a brief history of the planning and environmental analysis process, summarizes the decision and selected action, reviews all alternatives that were considered, identifies the environmentally preferred alternative, notes the basis for the decision, describes the public involvement in the process, and summarizes the mitigating measures developed in order to avoid or minimize environmental impacts.

**PLANNING HISTORY:** Until the current planning initiative was completed, management guidance for the Park was contained in a General Management Plan approved in 1982. The need to initiate this planning process was prompted not only by an outdated plan, but also by recent changes and trends in visitation, designation of the Fruita Rural Historic District, and acquisition of the Sleeping Rainbow Ranch.

In November 1992, the NPS announced its intention to prepare an EIS for the GMP/DCP. In spring and summer of 1993, the Park conducted the initial scoping of issues and ideas. Due to funding constraints and changes in key personnel, the planning process proceeded slowly after the initial scoping phase. The process restarted in earnest in 1995 with development of guiding principles for the alternatives based on public scoping comments. In the remaining portion of 1995 and in 1996, the alternatives were developed and in 1997, the environmental analysis was done. In April 1998, the Draft EIS was available for public review.

In November 1998, the Final EIS was completed and sent out to the public. A letter received during the 30-day no-action period from Garfield County requested a delay in implementing the Final EIS. The Park Service decided to postpone the Record of Decision until after the Burr Trail court case was concluded because some management actions pertaining to roads could change based on the court's decision. A court ruling was handed down in October 2000 and the results have been incorporated into this Record of Decision and into the GMP.

**DECISION:** The NPS will implement the actions encompassed in Alternative A as described in the Final EIS/GMP/DCP issued in November 1998. No substantive changes to this alternative were made between the Draft EIS/GMP/DCP issued in April 1998 and the Final EIS/GMP/DCP. Some corrections and additions to the text of the Draft EIS/GMP/DCP were made in response to public comments. These changes are described in the *Response to Public Comments* section of the Final EIS. The litigation that delayed the Record of Decision for two years resulted in some changes described below. In addition, the existing conditions have changed in several areas over the last two years and some inconsistencies were discovered in the Final EIS/GMP/DCP. All changes, corrections, and reasons for new wording that substantially affect the selected action are discussed below.

**SELECTED ACTION:** The action selected is a two-fold initiative to improve management capabilities for protecting resources and wilderness values throughout the Park and to provide increased visitor opportunities in the Fruita area.

Capitol Reef will continue to be a minimally developed park with its wilderness qualities preserved as described in the 1974 Wilderness Proposal. As described in the Final EIS/GMP/DCP, management activities allowed in zones that contained proposed wilderness either were not addressed or were not consistent with wilderness laws or NPS policy. Wording for the selected action states that management within proposed wilderness in the primitive, semi-primitive, and threshold zones will be in accordance with the NPS wilderness management policies. Natural processes will continue to operate as freely as possible. Native species re-introduction, such as the desert bighorn sheep program, will continue. Exotic species, other than features of the historic orchards and pastures, will be controlled to prevent disruption of natural processes. Increased interpretation will assist visitors in understanding the park's natural and cultural resources. Additional interpretation and protection will also be provided for the Fruita Rural Historic District as well as numerous archeological sites throughout the park.

In this selected action, all existing campgrounds will be retained but not expanded. An interpretive and cultural resource protection plan for the Fruita Rural Historic District is outlined. It proposes expansion of a walking trail through the district, interpretive waysides to explain the pioneer history and geology of the area, and orchard and building preservation to enhance the historic character. Most of the

Fruita trail system will be handicap accessible. The remaining day use trails in and around Fruita will be maintained per NPS standards.

The semi-primitive and primitive zones, comprising 93 percent of the park, will remain largely undeveloped. Legally mandated grazing of livestock will continue and Capitol Reef will gradually assume responsibility for management of grazing within the park, from the Bureau of Land Management. The National Park Service will continue to support “willing seller” buyouts of current Animal Unit Months.

Visitors will continue to use the visitor center as the primary contact point for the park. This visitor center was built during a public facilities improvement project known as Mission 66 and has not had significant exterior modification. The NPS has recently recognized the historical and architectural significance of many buildings constructed during Mission 66. Because of its small size, the current facility was documented as needing interior renovation to improve exhibits and accommodate increased visitor service and administrative/office needs. The Final EIS/GMP/DCP proposed an expansion onto the visitor center, but this action could affect the historic integrity of the building. The selected action is to provide an additional option of allowing replacement of existing temporary buildings within the current headquarters area, rather than expanding the existing visitor center. This would allow the park to meet its space need, to avoid impacting a potentially historic building, and to replace substandard, temporary office buildings with acceptable permanent facilities.

In the Fremont River District, Sleeping Rainbow Ranch and the Sprang Cottage will be rehabilitated and adaptively used for scientific and educational purposes. In addition, other historic and early residences, such as the Holt House and the Brimhall House, will be improved for adaptive use. Visitor use and resource protection needs will be studied in the Waterpocket District to determine what level of NPS presence is required to prevent resource degradation. This information will help evaluate current facilities at the Peek-a-boo trailer site for future improvements.

The National Park Service will continue to explore (with the US Forest Service, the Bureau of Land Management, and adjacent communities) the development of an interagency visitor center outside the park. This would help limit the intrusion of park facilities and associated indirect impacts on the Fruita Rural Historic District.

Most commercial services will continue to be outside the park with the possible future exception for an alternative visitor transportation system for the Scenic Drive. A feasibility/suitability study in the future will determine whether, when, and what kind of transportation system is needed.

Long term phase-out of government residences will be undertaken, assuming housing needs could be met in nearby communities. Emergency response personnel to adequately protect park infrastructure and visitors would remain quartered in the park. Park maintenance activities will continue to preserve existing

infrastructure, and permanent buildings will be retained and expanded to accommodate increased activities. Expansions would be evaluated and mitigated to prevent impacts to the historic district. Current utility corridors and utility lines will remain, and as funding permits, existing overhead lines and new lines will be buried. Any new utility lines in the park will be buried.

Road corridors have been identified and discussed within a zone concept common to all alternatives. The selected action does not propose the closure of any roads throughout the road corridor zone. The Final EIS/GMP/DCP stated that road development and maintenance activities would be reviewed and regulated by the National Park Service. The selected action will conform to the recent U.S. District Court order which directs that: 1) state and county agencies that hold road rights-of-way within the park may maintain the existing roadway so as to preserve the status quo without prior authorization from the National Park Service; and 2) state and county agencies that hold road rights-of-way within the park may not perform construction work on the roads without gaining approval by the National Park Service (further discussion of this issue may be found in the *Public Comment* section).

Staffing levels will be increased to meet visitor and resource protection responsibilities associated with inventorying and monitoring resources for appropriate visitor carrying capacities. The Final EIS/GMP/DCP identified a need for 12 additional staff to meet these needs. This action is inconsistent with NPS methods of determining park staffing needs because it fails to reflect additional park staff necessary to meet new mandates and NPS emphasis programs. The selected action is that a Position Management Plan will be developed as necessary to identify park staffing requirements. The plan will be changed or updated when completed or when conditions occur that change established staffing needs.

Developments outlined in this plan are scheduled to occur mainly in the first of two phases as described in Table 3, "Phased Sequence of Actions and Cost" of the Final EIS/GMP/DCP. The first phase addresses the immediate priorities for the first five years and has a gross capital cost of \$5 million (FY 1998 dollars).

Except for certain adverse impacts from grazing that may affect various species of wildlife and vegetation, overall impacts associated with the implementation of this plan will be beneficial to the park's natural and cultural resources due to increased monitoring and management emphasis in sensitive areas. Visitors will experience more services and opportunities in the threshold and rural developed zones. It is expected that visitation and length of stays will continue to rise, particularly in the Fruita area. This rise will be managed through increased services, information, and facilities to provide more options to visitors, thus dispersing visitor use. The remote quality and solitude of the park's wilderness will be enhanced in the primitive and semi-primitive zones by eliminating developments proposed in the 1982 General Management Plan. Without these developments, visitor use within those zones will remain low throughout the life of this plan.

**OTHER ALTERNATIVES CONSIDERED:** In addition to the selected action, three alternatives were identified and analyzed in the Draft EIS/GMP/DCP. All alternatives were deemed to meet the legislative intent or purpose of the park and were responsive to the issues raised throughout the planning process. Two matrices, *Alternatives Concept Summary* and *Summary of Impacts by Alternative*, were provided in the Draft EIS/GMP/DCP to clearly differentiate the alternatives and corresponding environmental consequences which were considered in the final analysis.

Alternative B sought to naturalize and restore natural and cultural resources throughout the park. Under this alternative, many facilities would be eliminated or relocated outside the park boundaries. These would include most of the employee residences and other non-historic homes in the Fruita area/Fremont River District, the Sleeping Rainbow Ranch, Peek-a-boo trailer, and The Post Corral. Essential service for health and safety would be maintained but many interpretive and some recreational services would be curtailed. In addition, Cedar Mesa and Cathedral campgrounds would be closed. The existing trail system in the rural developed zone would be minimally upgraded to provide better handicap accessibility and wayside exhibits would be removed to enhance the pioneer character of the Fruita Rural Historic District.

Many spur roads within the park would be closed to vehicle use but open to hiking. Closed roads would include: Grand Wash, Temples of the Sun and Moon access, Gypsum Sinkhole, The Post spur, Oak Creek spur, Upper Muley Twist access, Lower South Desert Overlook, Peek-a-boo access, and Capitol Gorge. In general, impacts resulting from this alternative would be beneficial to natural and cultural resources due to reduced visitor access to sensitive areas and greater frequency of ranger patrols.

Alternative C would continue the management actions mandated by the 1982 General Management Plan. The Fruita historic landscape, including the headquarters area, would be expanded and further developed. The foot trail between the visitor center and the campground would be enlarged to include Inglesby Picnic Area, the Fruita schoolhouse, and the SR 24 petroglyph panel. Non-historic structures in Fruita would continue to be used as housing, office, or storage space. The Sprang residence would be removed. The Fruita campground would be retained and expanded to include 29 more sites. The present park visitor center would be retained and expanded by 3,440 square feet to accommodate museum storage, administrative offices, sales, and space for new exhibits. The adjacent parking lot would also be enlarged.

Outside the Fruita area, a two-site equestrian campsite and corral would be developed at Pleasant Creek. Near the park's western boundary on the Burr Trail road, a visitor center would be developed along with a primitive 10- to 20-site campground. In addition, an employee housing area would be established one mile

west of the Burr Trail switchbacks. To the north, a one-mile trail originating at Bitter Creek Divide with a spur to the Oyster Shell Reef, would be constructed. At the intersections of the Notom road with Burro Wash, Cottonwood Wash, Five-Mile Wash, and Sheets Gulch, the park would develop five-car parking areas.

Significant road changes would include realigning the entrance road into the Fruita Rural Historic District, paving the Goosenecks road, and constructing a new gravel road from the park's western boundary on the Burr Trail to Upper Muley Canyon. Generally, impacts related to Alternative C would be adverse for natural, historic, ethnographic, and archeological resources due to the scope and location of development in the backcountry areas and the Fruita Rural Historic District, coupled with the lack of sufficient protection staff. Visitation would increase in all areas, leaving fewer opportunities for solitude.

In Alternative D, the park would not experience any substantial change in current management practices or visitor use. Those provisions still remaining in the 1982 General Management Plan would not be implemented. Visitor opportunities and related development would still be concentrated in the Fruita area and most facility use would remain essentially unchanged. In this plan, maintenance, protection, and interpretive activities would remain essentially at current levels throughout the park, and there would be no increase in staff. Roads now accessible would remain open, utility corridors would remain unchanged, and new utility lines would be buried, as funds permit. Backcountry areas would retain their primitive condition and no developments would occur to promote increased backcountry use.

Impacts associated with this alternative would generally be adverse for natural and cultural resources due, in part, to increased and unregulated visitor use of sensitive areas. As visitation and length of stay increase, crowding would become more severe in the Fruita Rural Historic District, impacting both the quality of the visitor experience and cultural resources.

**ENVIRONMENTALLY PREFERABLE ALTERNATIVE:** Section 101 of the National Environmental Policy Act states that "... it is the continuing responsibility of the Federal Government to ... (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources." The environmentally preferable alternative for the Capitol Reef General Management Plan is based on these national environmental policy goals.

The selected action (Alternative A) strives to integrate the General Management Plan goal to "protect and enhance natural and cultural resources," and the goal to "provide diverse recreational and educational experiences." Through increased monitoring and management emphasis in sensitive areas and increased services, information, and facilities to provide more options to visitors, Alternative A would realize each of the provisions of the national environmental policy goals.

Alternative B, "naturalize and restore alternative," provides the greatest benefit to the natural and cultural resources. It would however significantly reduce visitor opportunities by eliminating camping in the park and by reducing vehicle access to some areas. Some visitors would enjoy having fewer man-made intrusions in the natural landscape, but others would rather have these amenities so they can enjoy additional experiences. Alternative B would not meet the national environmental policy goals to the same extent as Alternative A, and does not fully meet provision 3 of the goals.

Alternative C continues the management actions mandated by the 1982 General Management Plan. This alternative had visitor services developments proposed for all management zones in the park. Most of these developments never occurred due to lack of funding or because the criteria for increased visitor use in the 1982 General Management Plan were never met. Alternative C resulted in adverse impacts to natural, historic, ethnographic, and archeological resources because of the scope and location of development in the backcountry areas and the Fruita Rural Historic District, coupled with the lack of sufficient protection staff. Because of these impacts, Alternative C does not meet provisions 3 and 4 as well as the selected action.

Alternative D promotes "keeping the park just like it is at the present time" by maintaining management levels and services at their current levels but abandoning most developments proposed in the 1982 GMP. This alternative would also keep backcountry areas in their primitive condition by eliminating developments. Cultural resources in the Fruita area would not be enhanced but would remain the same. This alternative would not improve the visitor experience and does not fully realize provisions 3 and 4 of the national environmental policy goals.

The environmentally preferable alternative is the selected action because it surpasses the other alternatives in realizing the full range of national environmental policy goals as stated in §101 of the National Environmental Policy Act. Although specific actions of other alternatives may achieve similar or in some cases greater levels of protection for cultural and natural resources and/or may enhance visitor experiences, the selected action overall: (1) provides a high level of protection of natural and cultural resources while concurrently attaining the widest range of neutral and beneficial uses of the environment without degradation; (2) maintains an environment that supports diversity and variety of individual choice; and (3) integrates resource protection with an appropriate range of visitor uses.



**BASIS FOR DECISION:** As noted previously, Alternative A, the selected action, encompasses concepts expressed by public and agency scoping comments and includes actions based on careful environmental analysis. Of all four alternatives, this alternative was deemed to best achieve the NPS mandate to ensure long-term natural and cultural resource preservation while allowing for appropriate levels of visitor use and visitor enjoyment. It is the option that best reconciles the needs and desires expressed by extremely diverse reviewers (including neighboring communities; American Indian tribes; regional, state, and national publics; and multiple local, state, and Federal permitting authorities and agencies). The selected action complies with all applicable laws, including provisions of the Endangered Species Act, National Historic Preservation Act, Wilderness Act, Executive Order 13007, and NPS *Management Policies*. Finally, the selected action best achieves the numerous goals and objectives that guided development of the GMP/DCP and successfully fulfills the purposes of the park as set forth in Presidential Proclamations #2246 (August 2, 1937), #3249 (July 2, 1958), and #3888 (January 20, 1969) and in Public Law 92-207 (December 18, 1971).

**MEASURES TO MINIMIZE ENVIRONMENTAL HARM:** All practical measures to avoid or minimize environmental impacts that could result from implementing the selected action have been identified in the *Impacts by Alternative* section of the Final EIS, including soil protection; protection of floodplains, wetlands, and water resources; protection of wilderness values including visual resources; protection of threatened, endangered and rare species; protection of properties on or eligible for listing on the National Register of Historic Places; protection of Indian sacred sites; and enhancing visitor education about sensitive park resources. Monitoring natural, cultural and visitor resources will enable the park to determine if impacts are occurring and will guide implementation of mitigation measures to protect the resources.

Many measures to safeguard air quality, wilderness, floodplains, wetlands, water resources, vegetation, soil, wildlife, and endangered, threatened, and sensitive species will be determined in future focussed planning efforts that will include additional public comment. Planning efforts will include a Resources Management Plan to provide direction for future management of natural and cultural resources in the park and describe how inventory and monitoring of the resources will be accomplished. A Water Management Plan will be developed to define what information is needed to protect floodplains, wetlands, and other water resources. A Long-range Interpretive Plan will be developed to define the future direction of interpretive services that will help protect resources through education. An Exotic Species Control Plan will determine the needs of the park for invasive plant and animal control and will govern wise use of necessary control measures without harming the environment. The park will assist, in cooperation with the U.S. Fish and Wildlife Service and other federal agencies, development of recovery plans and conservation agreements to protect the rare and sensitive plant and animal species found in this area. Specific development projects identified in the selected

alternative will require planning and determination of mitigating measures through both National Environmental Policy Act and National Historic Preservation Act compliance.

## **FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES**

The National Park Service has determined that implementation of the selected action will not constitute an impairment<sup>1</sup> to Capitol Reef National Park's resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the Final EIS/GMP/DCP, the public comments received, relevant scientific studies, and the professional judgement of the decision-makers guided by the National Park Service's *Management Policies, 2001*. Although the plan has some negative impacts, in all cases these adverse impacts are the result of actions taken to preserve and restore other park resources and values or are specifically provided for in legislation establishing the park. Overall, the plan results in major benefits to park resources and values, opportunities for their enjoyment, and it does not result in their impairment.

In determining whether impairment may occur, park managers consider the duration, severity, and magnitude of the impact; the resources and values affected; and direct, indirect, and cumulative effects of the action. According to National Park Service Policy, "An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is: a) Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; b) Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or c) Identified as a goal in the park's general management plan or other relevant National Park Service planning documents" (*Management Policies, 2001*, Section 1.4.5-What Constitutes Impairment of Park Resources and Values).

This policy does not prohibit impacts to park resources and values. The National Park Service has the discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute impairment. Moreover, an impact is less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values.

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<sup>1</sup> The National Park Service may not allow the impairment of park resources and values unless directly and specifically provided for by legislation or by the proclamation establishing the park. Impairment that is prohibited by the National Park Service Organic Act and the General Authorities Act is an impact that, in the professional judgement of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. (*Management Policies, 2001*, Section 1.4.5-What Constitutes Impairment of Park Resources and Values).

The selected actions will achieve the goals of the Final EIS/GMP/DCP (which include protecting and enhancing the natural and cultural resources of Capitol Reef and providing opportunities for high-quality, resource-based visitor experiences) in a comprehensive, integrated manner that takes into account the interplay between resource protection and visitor use. Selected actions will cause overall negligible to minor adverse impacts, short term impacts, and beneficial impacts to park resources and values, as described in the Final EIS/GMP/DCP, and therefore will not constitute impairment. This is because the limited severity, duration, and timing of the direct, indirect, and cumulative adverse impacts will not harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. Beneficial effects identified in the Final EIS/GMP/DCP include effects related to restoring and protecting park resources and values.

This decision is made based on the direction of requirements in *Management Policies, 2001*. For example, the decision to implement Alternative A will result in additional visitor services in the headquarters area and very few developments in backcountry portions of the park. This will concentrate visitation in the Fruita Rural Historic District while keeping the remaining portion of the park at its current low levels of visitation. This concentration of visitors could impact both historic resources and the quality of the visitor experience in the Historic District by increasing traffic congestion, noise, visual impacts, and parking problems. Although the Final EIS/GMP/DCP states that this would be an adverse impact, implementation of the Fruita Rural Historic District Plan will mitigate most of these impacts by developing a day-use trail system, dispersing parking, and increasing interpretation of the historic resources. The trail system will get people out of their vehicles thus reducing traffic impacts and will concentrate visitors on a hardened surface that reduces social trailing. Small screened parking areas will be developed to reduce the visual impacts that one large lot will create. The interpretive exhibits will attract people into the Historic District and provide an educational experience about the historic resources. Thus, the decision to concentrate visitor use in the Fruita Valley will help maintain the wilderness qualities and solitude that are integral to the park. Therefore, although historic resources may be adversely impacted as a result of this decision, the impacts have been mitigated to the extent possible and they will not cause impairment.

In conclusion, the National Park Service has determined that the implementation of the selected action will not result in impairment of resources and values in Capitol Reef National Park.

**PUBLIC COMMENT:** Public involvement was encouraged throughout development of the plan and preparation of the Draft and Final EIS/GMP/DCPs. In April 1993, planning team members met with political representatives, park neighbors, and surrounding agency managers to obtain feedback on issue identification. These meetings along with public workshops and surveys were an integral part of the initial scoping process. Throughout the planning process, consultation was undertaken

with the U.S. Fish and Wildlife Service, the Advisory Council on Historic Preservation, the Utah State Historic Preservation Office, and traditionally affiliated Indian tribes.

From 1995 to 1996, a series of four newsletters were sent out to more than 1,000 people and agencies detailing the planning progress and requesting input about the process and alternatives being developed.

In April 1998, the Draft EIS/GMP/DCP was mailed and invited comment from the mailing list of 250 individuals, groups, and agencies. During the 60-day comment period, public meetings were held in Salt Lake City and in Loa. Presentations were given to staff of Utah's Congressional delegation, to the Governor's natural resources staff, and to a representative of the Hopi Tribe. NPS responses to agencies and all substantive public comments on the Draft EIS/GMP/DCP are contained in the Final EIS/GMP/DCP. More than 100 copies of the final document were directly mailed to individuals, agencies, and libraries in November 1998.

Comment letters on the Final EIS/GMP/DCP were received from the Environmental Protection Agency and from Garfield County. The comments and NPS responses are as follows:

*EPA 1: EPA suggests that the Park create a section in the GMP for which environmental thresholds for the Park are identified. Examples of the kind of thresholds EPA is referring to are water quality standards that apply to Park affected water bodies, airshed visibility standards and other applicable environmental standards. Identification of these standards can help the Park to incorporate these standards in its plans for management and greatly facilitates future NEPA processes when tiering off of the GMP.*

*EPA suggests a table of water quality standards used by the park. This might help those who use the GMP as a guide or reference for the park's basis of water quality management.*

NPS response: The GMP is by definition a general guidance document for future management direction. The Final EIS/GMP/DCP describes that the park will comply with applicable laws protecting air, water, and other resources. The specificity requested in the comment is beyond the scope of a GMP. Development of those standards will be a result of future planning efforts such as a Water Resources Management Plan and an ongoing effort with the State of Utah to define Total Maximum Daily Loads for the watersheds that occur in the park. The park will involve all interested parties, including EPA, during this future planning.

*EPA 2: The GMP discusses exotic plants vegetative impacts from grazing. The Park mentions potential programs focused on controlling exotics. The plan*

*should discuss what these plans might be and how they might effect Park resources, e.g. water quality -- if herbicides were used.*

*EPA's main concern here is the effect of non-point source contaminants on water quality due to the legal application of herbicides. Even though herbicides are applied legally, legal application can lead to non-point source pollution problems. Unfortunately, there are examples of this in many places in the United States.*

NPS response: As stated in response to comment 1, the GMP is not intended to address such specificity as how pesticides would be applied to prevent pollution. The GMP merely states that pesticides could be used by current and future park managers in controlling exotic plants and that they would be used according to applicable laws and regulations. Current NPS policy requires that an Exotics Species Control Plan be developed prior to beginning any new control projects such as the park-wide control program described in the GMP. That plan will address the concerns raised in your comment. Both EPA and NPS Integrated Pest Management specialists will be consulted during that planning process.

*Garfield County 1: At no point does the Final Plan recognize the rights of the State of Utah and Garfield County to manage the public transportation system which traverses the park and to which National Park Service authority is subject as explicitly stated in the enabling legislation. This constitutes a violation of applicable law.*

NPS response: The wording in the Final EIS/GMP/DCP of November 1998 reflected the position of the NPS and Department of Justice in on-going litigation. A United States District Court Memorandum of Opinion and Order dated 24 October 2000 defines the rights of each party in regards to the items addressed in the county's comment. The court's orders will direct the management actions for the selected alternative in regards to road rights-of-way. The orders are:

*IT IS FURTHER ORDERED that the United States and the National Parks and Conservation Association (and jointly as to (D). Garfield County and the State of Utah), are entitled to a declaratory judgment establishing:*

*(A) that pursuant to the Property Clause) Article IV , § 3, cl. 2 of the United States Constitution, pertinent Acts of Congress, and lawful rules and regulations issued by the Secretary of the Interior, the National Park Service has the power to regulate construction work performed by or at the direction of Garfield County or the State of Utah in connection with Garfield County's established R.S. § 2477 right-of-way to the extent that right-of-way falls within the existing boundaries of Capitol Reef National Park, to the extent provided by 36 C.F.R. § 5.7 and other pertinent statutes and rules;*

*(B) that Garfield County, its officers, agents, employees, or contractors, may not perform work constituting "construction" within the meaning of 36 C.F.R. § 5.7 without first obtaining a permit, approval or agreement from the National Park Service, including but not limited to widening, realigning, surfacing, or otherwise significantly altering the existing road; installing of culverts or other new structures; or excavating, removing or displacing of rock, soil, or other earth materials outside of the existing road and shoulders;*

*(C) that any road construction project contemplated by Garfield County to be commenced within the boundaries of Capitol Reef National Park is subject to, and must await compliance by the National Park Service with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370c, and regulations made pursuant thereto; and*

*(D) that upon receiving a proposed plan for construction work within the Park, the National Park Service shall proceed in timely fashion (1) to determine whether the proposed work falls within an existing right-of-way held by Garfield County and/or the State of Utah; (2) to comply with the requirements of NEPA concerning the preparation of environmental assessment(s), environmental impact statement(s), as well as any other applicable legal requirements; (3) to consider each application for approval of construction within Park boundaries in light of its compliance with NEPA and its duties to protect Park lands, resources and values against injury and impairment, as well as its duty to respect valid existing rights; and (4) to grant timely approval of proposed work within the existing right-of-way, unless it finds that the work will significantly and adversely impact Park lands, resources, values, or administration, in which case it must formulate viable alternatives to the proposed work having less impact on Park land resources or values, and promulgate the same to the County and the public;*

*IT IS FURTHER ORDERED that the Defendants are entitled to a declaratory judgment establishing:*

*(E) that the County has a valid existing right to an R.S. § 2477 right-of-way along the Capitol Reef segment of the Boulder-to-Bullfrog Road; and*

*(F) that Garfield County, its officers, agents, employees, or contractors, may engage in work maintaining the existing roadway so as to preserve the status quo through repair: of wear or damage to existing road surfaces, shoulders, cut and fill slopes; repair, clearing, or replacement in kind of culverts and other structures; maintaining the existing shape and width of the road, grading it as needed to preserve a passable surface in both lanes, or similar routine maintenance work, without prior authorization from the National Park Service*

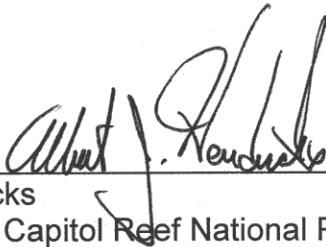
*Garfield County 2: The National Park Service has rejected virtually every consideration raised by the County, regardless of facts and law. The result is an*

*arbitrary and capricious plan which is not consistent with clear principles of law, particularly those applicable to county held rights-of-way within the park.*

NPS response: The Capitol Reef GMP team, National Park Service Washington Office planners, Department of the Interior solicitors, and Department of Justice lawyers spent almost three months reviewing the comments to the draft document and preparing responses. The team reviewed the reasons for its decisions and re-evaluated that decision in light of the comment received. Changes that resulted from the comments received and from the review are reflected in the Final GMP/GMP/DCP Public Comments section. Most of the comments received from the county reflected their difference of opinion with the NPS that resulted in the lawsuit over rights-of-way on the park. As described above, this Record of Decision and the Final GMP/GMP/DCP will reflect the court's orders regarding each agency's rights, responsibilities, and requirements.

**CONCLUSION:** The selected action provides the most comprehensive and effective method among the alternatives considered for meeting the National Park Service's purposes, goals, and criteria for managing Capitol Reef National Park and meeting national environmental policy goals. The selection of Alternative A, as reflected by the analysis contained in the Final EIS, would not result in the impairment of park resources and would allow the National Park Service to conserve park resources and provide for their enjoyment by visitors. These actions may be implemented at any time after the date of this Record of Decision.

**RECOMMENDED:**



Date:

4/9/2001

Albert J. Hendricks  
Superintendent, Capitol Reef National Park

**APPROVED:**



Date:

4/13/01

Karen P. Wade  
Regional Director, Intermountain Region